

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SERENE DUDHI,

Plaintiff,

v.

TEMPLE HEALTH OAKS LUNG
CENTER and TEMPLE UNIVERSITY
HEALTH SYSTEM, INC.,

Defendants.

CIVIL ACTION

No. 18-3514

ORDER

AND NOW, this **4th** day of February, 2019, upon consideration of Defendants', Temple Health Oaks Lung Center and Temple University Health System, Inc., Motion to Dismiss for Failure to State a Claim and Plaintiff Serene Dudhi's ("Dudhi") Memorandum of Law in Opposition to Defendants' Motion to Dismiss, it is hereby **ORDERED** that Defendants' Motion to Dismiss (Doc. No. 3) is **GRANTED IN PART** and **DENIED IN PART** as follows:

1. Defendants' Motion is **GRANTED** to the extent it seeks to dismiss Dudhi's claim of pregnancy discrimination under the Pregnancy Discrimination Act, 42 U.S.C. § 2000e(k) *et seq.* Accordingly, Count II is **DISMISSED WITH PREJUDICE**;
2. Defendants' Motion is **GRANTED** to the extent it seeks to dismiss Dudhi's claims for failure to accommodate under Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-2(a) *et seq.* in Count I and the Pennsylvania Human Relations Act ("PHRA"), 43 Pa. Cons. Stat. § 951 *et seq.* in Count III. Dudhi's claims for failure to accommodate is **DISMISSED WITHOUT PREJUDICE**;
3. Defendants' Motion is **GRANTED** to the extent it seeks to dismiss Dudhi's claim of retaliation in violation of the Family and Medical Leave

Act of 1993, 29 U.S.C. § 2601 *et seq.* Accordingly, Count IV is
DISMISSED WITHOUT PREJUDICE;

4. Defendants' Motion is **DENIED** to the extent it seeks to dismiss Dudhi's claims of race and sex discrimination under Title VII in Count I and the PHRA in Count III; and
5. Dudhi may file an Amended Complaint within **FOURTEEN DAYS** of the date of this Order. Failure to do so will result in the above dismissed claims being **DISMISSED WITH PREJUDICE**.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE